

# INDEX TO THE JOURNAL OF THE MISSOURI BAR 1978

The Subject and Author Index contains the bibliographical information to articles arranged in one alphabet.

Letters in parentheses under author listing refer to first letter of title. The subject headings are the same as used in the Index to Legal Periodicals.

The Table of Cases lists cases alphabetically by the plaintiff's name. Those cases appearing in flag notes have the name of the person noting same in parentheses.

## Subject and Author Index

### ADMINISTRATION of justice

Expediting cases in the U.S. court of appeals. G. W. Heaney. 34:282

Federal arbitration bill. D. M. Neill. 34:293

House bill no. 1634 judicial article implementation as truly agreed and finally passed April 30, 1978. A. Bartlett. 34:315

State of the judiciary in Missouri. J. P. Morgan. 34:528

### ADMINISTRATIVE agencies

Jurisdiction of the Missouri public service commission. R. M. Baron. 34:27

### AGATSTEIN, Sylvan

Dissolution of marriage (D)

### ALTSCHUH, Gregory W.

Credit unions (C)

Government (G)

Government regulation (C)

### ANTITRUST

Antitrust division directions for 1978. D. M. Neill. 34:128

U.S. antitrust prosecution policy. D. M. Neill. 34:501

### ATTORNEYS

Apathy. W. F. Baker. 34:245

### BAKER, Wade F.

Attorneys (A)

Bar associations (F)

Law office management (E)

Legal profession (C) (Q) (R) (S)

Malpractice (M)

### BANKRUPTCY

Tax effect of real property arrangement under chapter XII of the bankruptcy act. P. J. Erbacher. 34:359

### BANKS and banking

Fiduciary aspects of the bank-customer relationship. R. B. Hagedorn. 34:406

### BAR associations

The future. W. F. Baker. 34:527

Membership survey of activities and services (Missouri Bar). R. O. Hetlage. 34:538

### BARON, Roger M.

Administrative agencies (J)

Public utilities (J)

### BARTLETT, Alex

Administration of justice (H)

Court reform (H)

### BIOGRAPHY: individual

Tremayne, Bertram W., Jr.: president The Missouri Bar 1978-79. 34:503

### CALKINS, Judson W.

Legal ethics (A) (P) (R) (S)

Unauthorized practice (U)

### CHILD custody

Child custody jurisdiction under the UCCJA. J. M. Krauskopf. 34:383

### CIVIL rights

Equal employment opportunity act. D. G. Collins. 34:467

**COLLINS, Dennis G.**

Civil rights (E)

Discrimination (E)

**CONDOMINIUM**

Florida condominium law: a lesson for Missouri. E. T. Wright. 34:330

**CONTRACTS**

When is a release not a covenant?

J. G. Nassif. 34:12, 34:102

**COPYRIGHT**

Questions and answers about the performance of music under the new copyright law. J. C. Goldstein. 34:483

**CORPORATIONS**

Collapsible corporation provisions and the service-type business. G. R. Fisher. 34:341

**COURT reform**

House bill no. 1634 judicial article implementation as truly agreed and finally passed April 30, 1978. A. Bartlett. 34:315

**CREDIT unions**

Credit union growth attracts industry, government and consumer interest. G. W. Altschuh. 34:365

**DAMAGES**

Missouri service letter statute revisited. R. K. Soebbing. 34:80

**DAMAGES: punitive**

Punitive damages in products liability. V. M. Igou. 34:394

**DISCRIMINATION**

Equal employment opportunity act. D. G. Collins. 34:467

**DISSOLUTION of marriage**

Dissolution of marriage act — property rights and wrongs. S. Agatstein. 34:451

**DRUNKENNESS**

Answers to questions about the breathalyzer: a reply. L. H. Porterfield. 34:23

The not-so-silent killer. Anonymous. 34:168

**EMINENT domain**

Comments on the uniform eminent

domain code. J. B. Stutt. 34:95

EPPEMBERGER, Fred A.

Legal profession (V)

ERBACHER, Philip J.

Bankruptcy (T)

Inheritance estate and gift tax (E) (W)

Taxation (D)

Taxation: practice and procedure (C) (D) (O)

Trust and Trustees (B)

ESTATE planning

An alternative bequest as a substitute for disclaimer. J. L. Sullivan. 34:326

**FARM property**

Excedrin headache number 2032A — special use valuation of farm real estate. F. M. Hanna. 34:476

**FIDUCIARY relationship**

Fiduciary aspects of the bank-customer relationship. R. B. Hagedorn. 34:406

FISH, William R.

Products liability (A)

FISHER, G. Robert

Corporations (C)

GAERTNER, Carl R.

Sentencing (D)

GOLDSTEIN, Jack C.

Copyright (Q)

**GOVERNMENT**

Government reorganization and federal legal representation. G. W. Altschuh. 34:183

**GOVERNMENT regulation**

Carter seeks citizen input in enactment of federal regulation. G. W. Altschuh. 34:47

HAGEDORN, Richard B.

Banks and banking (F)

Fiduciary relationship (F)

HANNA, Francis M.

Farm property (E)

Inheritance estate and gift tax (E)

HEANEY, Gerald W.

Administration of justice (E)

HETLAGE, Robert O.

- Bar associations (M)
- HICKEY, William
  - Juvenile courts (S)
- IGOE, Vincent M.
  - Damages: punitive (P)
  - Products Liability (P)
- INHERITANCE estate and gift tax
  - Estates of decedents and titles to property problems. P. J. Erbacher. 34:41
  - Excedrin headache number 2032A — special use valuation of farm real estate. F. M. Hanna. 34:476
  - Filing a gift tax return: Do it right! T. F. Pyle. 34:459
  - Will executor's reliance on attorney to file estate tax return avoid penalty for late filing? P. J. Erbacher. 34:543
- INSURANCE: malpractice
  - Problems of professional liability insurance — a changing scene for Missouri lawyers. W. D. McQuie, Jr. 34:174
- JUVENILE courts
  - Status offenses and the juvenile court. W. Hickey. 34:277
- KAPLAN, Lawrence P.
  - Labor law (P)
- KRAUSKOPF, Joan M.
  - Child custody (C)
- LABOR law
  - Plant relocation: management solutions to labor problems. L. P. Kaplan and D. F. Yates. 34:416
- LANE, Frank J., Jr.
  - Trade marks and trade names (P)
  - Unfair competition (P)
- LAW office management
  - Economics survey questionnaire. W. F. Baker. 34:78
- LEGAL ethics
  - Advertising now permissible, but ban on personal solicitation persists. J. W. Calkins. 34:547
  - Attorney faced with his or her spouse as prospective adversary. J. W. Calkins. 34:127
- Attorney must inform client he will reveal perjured testimony to court. J. W. Calkins. 34:45
- Attorneys should voluntarily report fellow member of bar for violation of code of professional responsibility. J. W. Calkins. 34:499
- Problems faced by former government attorney in certain areas of practice. J. W. Calkins. 34:181
- Representing multiple defendants where law partner will be witness. J. W. Calkins. 34:291
- Secret tape recordings by attorneys violate code of ethics. J. W. Calkins. 34:427
- LEGAL profession
  - Competency of lawyers. W. F. Baker. 34:10
  - Quality of advocacy in federal courts. W. F. Baker. 34:313
  - Relations with clients. W. F. Baker. 34:147
  - Standards for admission in federal courts. W. F. Baker. 34:449
  - Valedictory of the class of '28. F. A. Eppenberger. 34:493
- MAGISTRATES
  - Federal magistrate legislation. D. M. Neill. 34:429
- MALPRACTICE
  - Avoiding lawyer malpractice through communication skill. A. E. Smith. 34:148, 34:246
  - Malpractice claims. W. F. Baker. 34:381
  - Mitigating the risk of becoming a defendant in a malpractice action by your former client. D. N. Stern and J. Martin. 34:351
  - Problems of professional liability insurance — a changing scene for Missouri lawyers. W. D. McQuie, Jr. 34:174
- MARTIN, Joanne
  - Malpractice (M)
- MASTER and servant
  - Missouri service letter statute revisited. R. K. Soebbing. 34:80

- McQUIE, Walter D., Jr.  
Insurance malpractice (P)  
Malpractice (P)
- MORGAN, J. P.  
Administration of justice (S)
- MORRISON, Walter W.  
Torts (O)
- NASSIF, Joseph G.  
Contracts (W)  
Release (W)
- NEILL, Denis M.  
Administration of justice (F)  
Antitrust (A) (U)  
Magistrates (F)
- OLIVER, Jack L.  
In Memoriam 1916-1978. 34:435
- PLACZEK, Mathew W.  
Trial practice (C)
- PORTERFIELD, Lyndel H.  
Drunkenness (A)
- PREPAID legal service  
Board approves prepaid legal services plan. A. J. Sestric. 34:534
- PRODUCTS liability  
An overview of the 1973 comprehensive general liability insurance policy and products liability coverage. W. R. Fish. 34:257  
Punitive damages in products liability. V. M. Igoe. 34:394
- PUBLIC utilities  
Jurisdiction of the Missouri public service commission. R. M. Baron. 34:27
- PYLE, Terrence F.  
Inheritance, estate and gift tax (F)
- REDHAIR, Rex R.  
Social security (W)  
Workmen's compensation (W)
- RELEASE  
When is a release not a covenant? J. G. Nassif. 34:12, 34:102
- SENTENCING  
Defense counsel obligations after trial. C. R. Gaertner. 34:19
- SESTRIC, Anthony, J.  
Prepaid legal service (B)
- SMITH, Allen E.  
Malpractice (A)
- SOCIAL security  
Workmen's compensation benefits may result in reduction of social security disability benefits. R. R. Redhair. 34:264
- SOEBBING, Ralph K.  
Damages (M)  
Master and servant (M)
- STERN, Duke Nordlinger  
Malpractice (M)
- STRONG, Thomas  
Trial practice (C)
- STUTT, John B.  
Eminent domain (C)
- SULLIVAN, John L.  
Estate planning (A)  
Wills (A)
- TAXATION  
Deficiencies in tax and petition for review. P. J. Erbacher. 34:287  
Federal taxation of dividend distributions. R. C. Thiewes. 34:157
- TAXATION: practice and procedure  
Certification in a federal tax case. P. J. Erbacher. 34:423  
Deductibility of corporate organizational expenses. P. J. Erbacher. 34:178  
Ordinary loss deduction for demolition of building. P. J. Erbacher. 34:123
- THIEWES, Ronald C.  
Taxation (F)
- TORTS  
Outrage and emotional distress: new directions in tort law. W. W. Morrison. 34:269
- TRADE marks and trade names  
Primer for the general practitioner on trademarks and unfair competition. F. J. Lane, Jr. 34:86
- TRIAL practice  
Civil voir dire notes of a trial attorney. T. Strong and M. W. Placzek. 34:111
- TRUST and trustees  
Broad administrative powers given to a fiduciary. P. J. Erbacher. 34:496

## UNAUTHORIZED practice

Unauthorized practice of law: a deep concern of the legal profession. J. W. Calkins. 34:363

## UNFAIR competition

Primer for the general practitioner on trademarks and unfair competition. F. J. Lane, Jr. 34:86

## WILLS

An alternative bequest as a substi-

tute for disclaimer. J. L. Sullivan. 34:326

## WORKMEN'S compensation

Workmen's compensation benefits may result in reduction of social security disability benefits. R. R. Redhair 34:264

## WRIGHT, Edward T.

Condominium (F)

## YATES, David F.

Labor law (P)

# Case Index

ARMARCK, In the Matter of the Estate of, — SW2d — (Mo. 1978) 34:75 (F-Vetter)

BLIVEN v. Brunswick Comp., — SW2d — (K.C. App. 1978) 34:519 (F-Vetter)

BRINKS, Inc. v. Hoyt, 179 F2d 355 (8th Cir. 1950) 34:80

BUSSEN Realty Co. v. Benson, 159 SW2d 813 (Mo. 1942) 34:7 (F-Vetter)

CHEEK v. Prudential Insurance Co. of America, 192 SW 387 (Mo. 1917) 34:80

COBB et al. v. State Security Insurance Co., — SW2d — (St.L. App. 1978) 34:3 (F-Vetter)

COMMISSIONER v. Sunnen, 333 U.S. 591, 68 SCt 715, 92 L.Ed. 898 (1948) 34:125

CRAIG v. Iowa Kemper Mutual Ins. Co., 565 SW2d 716 (K.C. App. 1978) 34:139 (F-Vetter)

CRANE v. Aetna Casualty, 568 SW2d 525 (Mo. 1978) 34:308 (F-Vetter)

CRAVENS v. Commissioner, 272 F2d 895 (10th Cir. 1959) 34:288

CROWDER v. Vandendeale, — SW2d — (Mo. 1978) 34:140 (F-Vetter)

CUMBY v. Farmland Industries, Inc., 523 SW2d 132 (St.L. App. 1975) 34:81

DeNIRO v. United States, 561 F2d 653 (6th Cir. 1977) 34:41

DYCHE v. Dyché and General

Motors Corp., 570 SW2d 293 (Mo. 1978) 34:375 (F-Vetter)

EDWARDS v. State Farm Ins. Co., — SW2d — (K.C. App. 1978) 34:519 (F-Vetter)

EIMER v. Texaco, Inc., 518 F2d 807 (8th Cir. 1975) 34:81

FAIRFAX Auto Parts of Northern Virginia, Inc., 65 TC 798 (reversed on appeal 548 F2d 501) (4th Cir. 1977) 34:43

FELDMAN v. Wood, 335 F2d 264 (9th Cir. 1964) 34:124

FIELDS v. State, — SW2d — (Mo. 1978) 34:443 (F-Vetter)

FOLTZ v. U.S., 458 F2d 600 (8th Cir. 1972) 34:124

FULTON v. International Telephone and Telegram Corp., 528 SW2d 466 (St.L. App. 1975) 34:82

FUNDING Systems Leasing Corp. v. King Louie International, Inc., et al., — SW2d — (K.C. App. 1978) 34:307 (F-Vetter)

GATEWAY Aviation, Inc. v. Cessna Aircraft Co., — SW2d — (St.L. App. 1978) 34:520 (F-Vetter)

GREGORY v. Helvering, 293 U.S. 465 (1935) 34:289

HELTON v. Hake, 564 SW2d 313 (K.C. App. 1978) 34:71 (F-Vetter)

HENDRIX v. Jones and Farmers Ins. Co., — SW2d — (K.C. App. 1978) 34:140 (F-Vetter)

HIGHTOWER v. U.S. 463 F2d 182 (5th Cir. 1972) 34:124

HOME Building Corp. v. The Ventura

- Corp., 568 SW2d 769 (Mo. 1978) 34:308 (F-Vetter)
- J. D.S., State ex rel. v. Edwards, Judge, — SW2d — (St.L. App. 1977) 34:3 (F-Vetter)
- KANSAS CITY Stock Yards, State ex rel. v. Clark, 536 SW2d 142 (Mo. 1976) 34:308 (F-Vetter)
- KAUSCH v. Bishop, 568 SW2d 532 (Mo. 1978) 34:308 (F-Vetter)
- KENNEDY v. Commissioner, 339 F2d 335 (7th Cir. 1964) 34:125
- LANDERMAN v. Commissioner of Internal Revenue, 454 F2d 338 (7th Cir. 1971) 34:124
- McCLOUD, State ex rel. v. SEIER, Judge, 567 SW2d 127 (Mo. 1978) 34:240 (F-Vetter)
- McGEE v. St. Francois County Savings and Loan Assn. et al., — SW2d — (Mo. 1977) 34:7 (F-Vetter)
- MEDICAL West Building Corp. v. E. L. Zoernig and Co., 440 SW2d 744 (Mo. 1969) 34:84
- MIAMI Valley Coated Paper v. C.I.R., 211 F2d 422 (6th Cir. 1954) 34:125
- MICHTOM v. United States, 573 F2d 58 (Ct. Cl. 1978) 34:360
- MINNESOTA Tea v. Helvering, 302 U.S. 609 (1938) 34:289
- MISSOURI Pacific Railroad Co. v. Whitehead and Kales Co., 566 SW2d 466 (Mo. 1978) 34:239 (F-Vetter)
- MITCHELL v. Buchheit, 559 SW2d 528 (Mo. 1977) 34:7 (F-Vetter)
- MOLINE Properties, Inc. v. Commissioner, 319 U.S. 436 (1943) 34:289
- NORANDA Aluminum, Inc., State ex rel. v. Bondurant, 561 SW2d 113 (Mo. 1978) 34:75 (F-Vetter)
- O'NEILL v. Commissioner, 66 TC 105 (1976) 34:125
- O'NEILL v. Commissioner, 271 F2d 44 (9th Cir. 1959) 34:289
- OWENS v. Commissioner, 568 F2d 1233 (6th Cir. 1977) 34:287
- PORTER v. Millbank Mfg. Co., 489 SW2d 197 (Mo. 1972) 34:82
- PORTERFIELD v. Burger King Corp., 540 F2d 398 (8th Cir. 1976) 34:83
- POWELL v. County of St. Louis, 559 SW2d 189 (Mo. 1977) 34:7 (F-Vetter)
- PULITZER Publishing Co. v. McNeal et al., — SW2d — (St.L. App. 1978) 34:520 (F-Vetter)
- ROTERMUND v. Basic Materials Co., 558 SW2d 688 (St.L. App. 1977) 34:83
- SAMPSON v. Missouri Pacific, 560 SW2d 573 (Mo. 1978) 34:239 (F-Vetter)
- SCHELLERT v. State, 569 SW2d 735 (Mo. 1978) 34:375 (F-Vetter)
- SCHMIDT v. Central Hardware Co., 516 SW2d 556 (St.L. App. 1974) 34:83
- SECURITIES Service Corp. v. Belcrest Apartments Co., 130 F2d 987 (6th Cir. 1942) 34:359
- SMITH v. Old Warson Development Co., 497 SW2d 795 (Mo. 1975) 34:140 (F-Vetter)
- SMITH v. State, 513 SW2d 407 (Mo. 1974) 34:443 (F-Vetter)
- STATE v. C. S. Dudley and Co., 102 SW2d 895 (Mo. 1937) 34:363
- T. L. HUNT, Inc. v. Commissioner, 562 F2d 532 (8th Cir. 1977) 34:42
- TUCKER et al. v. Ratley et al., 568 SW2d 797 (St.L. App. 1978) 34:240 (F-Vetter)
- VIC KOEPKE Excavating and Grading Co. v. Kodner Development Co., 571 SW2d 253 (Mo. 1978) 34:376 (F-Vetter)
- WANT v. Leve et al., — SW2d — (St.L. App. 1978) 34:444 (F-Vetter)
- WATSON v. Watson, — SW2d — (Mo. 1978) 34:71 (F-Vetter)
- WEBB, State ex rel. v. Satz, 561 SW2d 113 (Mo. 1978) 34:75 (F-Vetter)
- WESTINGHOUSE Electric Co. v. Vann Realty Co., 568 SW2d 777 (Mo. 1978) 34:308 (F-Vetter)
- YATES Motor Co., Inc. v. Commissioner, 561 F2d 15 (6th Cir. 1977) 34:123

